

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH D. SPILLERS,

Petitioner,

v.

PATRICK COVELLO,

Respondent.

No. 2:24-cv-1865 CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

Examination of the affidavit reveals petitioner is unable to afford the costs of this action. Accordingly, leave to proceed in forma pauperis is granted. 28 U.S.C. § 1915(a).

The court requires all petitions for writ of habeas corpus be filed on the proper form which is provided by this court. Moreover, the court may limit its review of the petition for relief to the information on the form only and need not consider any memoranda or attachments to the petition. See Rule 2(c), Rules Governing § 2254 Cases.

Petitioner is hereby notified that in order for this court to review his application, he must refile his petition on the proper form. Furthermore, although petitioner may submit a separate memorandum to support his petition for relief, the court's application form must contain all relevant claims, and must provide the court with all necessary information.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Petitioner's application for writ of habeas corpus is dismissed with leave to amend
3 within thirty days from the date of this order;¹

4 2. Any amended petition must be filed on the form employed by this court and must state
5 all claims and prayers for relief on the form. It must bear the case number assigned to this action
6 and must bear the title "Amended Petition"; and

7 3. The Clerk of the Court is directed to send petitioner the form for habeas corpus
8 application.

9 4. Petitioner's motion for leave to proceed in forma pauperis (ECF No. 5) is granted.

10 Dated: September 5, 2024



11 CAROLYN K. DELANEY
12 UNITED STATES MAGISTRATE JUDGE
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28 ¹ By setting this deadline, the court is making no finding or representation that the petition is not
subject to dismissal as untimely.